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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2007-616

CHRISTINE MYERS
aka CHRISTINE DAWN BIALEK
4217 Evanston Avenue N
Seattle, WA 98103

ACCUSATION

Vocational Nurse License No. VN 171404

Respondent

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.
2. On or about March 29, 1995, the Board of Vocational Nursing and Psychiatric Technicians ("Board") issued vocational nurse license number VN 171404 to Christine Myers, a.k.a. Christine Dawn Bialek ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2009, unless renewed.

STATUTORY PROVISIONS

3. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

4. Section 2878 of the Code states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

(a) Unprofessional conduct...

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of this chapter.

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

5. Section 2878.5 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of this code.

6. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed vocational nurse.

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1 7. Section 125.3 of the Code provides, in pertinent part, that the Board may
2 request the administrative law judge to direct a licensee found to have committed a violation or
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
4 and enforcement of the case.

5 8. California Code of Regulations, title 16, section 2521 provides, in
6 pertinent part:

7 For the purposes of denial, suspension, or revocation of a license pursuant
8 to Division 1.5 (commencing with section 475) of the Business and Professions
9 Code, a crime or act shall be considered to be substantially related to the
10 qualifications, functions or duties of a licensed vocational nurse if to a substantial
11 degree it evidences present or potential unfitness of a licensed vocational nurse to
12 perform the functions authorized by his license in a manner consistent with the
13 public health, safety, or welfare. Such crimes shall include but not be limited to
14 those involving the following:

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16 (c) Violating or attempting to violate, directly or indirectly, or assisting
17 in or abetting the violation of, or conspiring to violate any provision or term of
18 Chapter 6.5, Division 2 of the Business and Professions Code.

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20 (f) Any crime or act involving the sale, gift, administration, or furnishing
21 of "narcotics or dangerous drugs or dangerous devices" as defined in Section 4022
22 of the Business and Professions Code.

23 9. Section 118(b) of the Code states:

24 The suspension, expiration, or forfeiture by operation of law of a license
25 issued by a board in the department, or its suspension, forfeiture, or cancellation
26 by order of the board or by order of a court of law, or its surrender without the
27 written consent of the board, shall not, during any period in which it may be
28 renewed, restored, reissued, or reinstated, deprive the board of its authority to
institute or continue a disciplinary proceeding against the licensee upon any
ground provided by law or to enter an order suspending or revoking the license
or otherwise taking disciplinary action against the licensee on any such ground.

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FIRST CAUSE FOR DISCIPLINE

(October 17, 2007 Conviction for Conspiracy on August 18, 2007)

10. Respondent is subject to disciplinary action under Code sections 490 and 2878(f), in that she was convicted of a crime substantially related to the qualifications, functions and duties of a vocational nurse. The circumstances are as follows:

a. On October 17, 2007, in a criminal case entitled *People v. Christine Myers*, in the Superior Court of California, County of Kings, Case No. 07CM7533 D, Respondent was convicted by the Court on her plea of guilty of violation of Penal Code section 182(a)(1) (Conspiracy to Commit a Crime), a felony.

b. The circumstances of the crime are that in or about July and August of 2007, Respondent conspired to have drugs smuggled into Corcoran State Prison for her son who was incarcerated at said prison at the time. Corcoran State Prison officials recorded several telephone conversations between Respondent, her son, and her son's drug supplier, among others, wherein plans were made to have the narcotics introduced into the prison. The female selected by the co-conspirators to introduce the drugs into the prison was served with a search warrant upon arriving at the prison and narcotics were found in her body cavity. A warrant was issued for Respondent's arrest and said warrant was served at Respondent's place of employment.

c. As a result of the above conviction, the Court sentenced Respondent to four years in State Prison with 97 days credit for time served and for good/work time. The court assessed a felony restitution fine of \$200 and ordered Respondent to undergo DNA testing pursuant to Penal Code section 296(a)(1). Defendant was also ordered not to own, possess or purchase any firearms.

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